

REMARKS

The Applicants provisionally elect Invention I, subspecies 1a with traverse. This election includes claims 1-14, and 18-19.

Invention I is directed to a foundation device that includes a combination of a body with a window and a spacer that extends across the window. The invention further includes a variety of different instruments that may each be used with the foundation device to treat the vertebral members.

The Applicants disagree with the Examiner's division of the saw guide, such as those illustrated in Figures 13 and 16, from the variety of other instruments that may be used with the foundation device. The Examiner provides no reasoning for dividing the saw guides from the variety of other instruments. As such, the Applicants submit that claims 15-17 should also be examined within this application.

In view of the above remarks, Applicants submit the application is in condition for examination and such action is respectfully requested. If any issues remain unresolved, the undersigning attorney requests telephone interview to expedite the case towards examination.

Respectfully submitted,

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